

**CITY OF TREASURE ISLAND, FLORIDA
BOARD OF COMMISSIONERS MEETING MINUTES
March 2, 2010**

The meeting was called to order at 6:00 p.m. by Mayor Minning.

A. PLEDGE OF ALLEGIANCE: Led by Mayor Minning

B. ROLL CALL:

Mayor Bob Minning		Present
Commissioner Phil Collins – Vice Mayor	District 1	Present
Commissioner Ed Gayton	District 2	Present
Commissioner Carol Coward	District 3	Present
Commissioner Alan Bildz	District 4	Present

C. PUBLIC COMMENTS:

Ruth Philipon spoke regarding the Ikebana event to be held this weekend at the Community Center. There will be over 100 floral arrangements, plus demonstrations. Admission is free and it is open to the public.

Dominique Reiter spoke regarding the Isle of Capri St. Patrick's Day dinner to be held on March 14th.

Mark Santos, IT Director, spoke regarding the City's participation on Twitter. It is being used as another way to get information out to the public.

D. APPROVAL OF MINUTES:

The minutes of the January 19, 2010 workshop and February 16, 2010 meeting and workshop are available for approval. It was moved by Commissioner Bildz and seconded by Commissioner Coward to approve the minutes as corrected. Upon roll call the vote to approve was unanimous.

E. ITEMS OF BUSINESS:

1. Consideration of Res. 10-12, Utility Vehicle Purchase

It was moved by Commissioner Bildz and seconded by Commissioner Coward to approve the resolution as read.

Upon roll call the vote to approve was unanimous.

2. Consideration of Res. 10-11, Park Naming Contest

It was moved by Commissioner Bildz and seconded by Commissioner Collins to approve the resolution as read.

Upon roll call the vote to approve was unanimous.

Mayor Minning announced that the name of the park is the Treasure Island Gulf Front Park. He then made a presentation to Mr. Charles O'Dell, who won the "Name the Park" contest. He was presented with a \$200 savings bond.

3. Consideration of Ord. 10-01, Prohibiting Alcohol at City Beach Park (First Reading)

It was moved by Commissioner Bildz and seconded by Commissioner Collins to approve the ordinance as read.

Upon roll call the vote to approve was unanimous.

4. Consideration of Res. 10-16, Referring Parking LDRs to the LPA

It was moved by Commissioner Coward and seconded by Commissioner Collins to approve the resolution as read.

Commissioner Gayton stated that the resolution was not available at the workshop. In reading it he does not feel that it embodies what they intended to send to the LPA. According to Exhibit 1 provided by the City Planner there are several other articles to be submitted to the LPA. Exhibit 1 embodies not only off-street parking, but Chapter 68 in general. On page 2 we have not included the changes recommended by the city staff for several divisions. The only change placed in the resolution is in Article 7, which contains the off-street parking. We should make it as clear as possible what we are sending to the LPA. He has written a resolution that he thinks embodies everything that he thinks that they intended to do. He read his version and requested that they amend the resolution to his version. He wants to make it clear that those are staff recommendations. He then moved to adopt the new resolution put forward.

The City Attorney advised that the original motion should be withdrawn before the amended motion is acted on. Commissioner Coward withdrew her motion. Commissioner Bildz seconded the motion to amend the resolution.

Commissioner Collins requested that they be given time to review the amended resolution. Commissioner Gayton explained that he is only asking for the additional language to be placed in the resolution, but is not asking to consider the back up materials that he provided.

Commissioner Bildz stated that he doesn't see the need to include that this is a staff recommendation rather than a City Commission recommendation. He stated that he was not in favor of it two weeks ago. He feels that parking spaces should be in conjunction with a business, and it shouldn't address just one area. He doesn't want to forward recommendations that carve out in stone illegal activities that have been going on for some time.

Commissioner Coward asked if Commissioner Gayton's goal was to simplify what was being sent. Commissioner Gayton explained that the original resolution references off-street parking. Exhibit 1 includes more than just off-street parking. He wanted to include

the word "staff" because it is the recommendation of staff. It is not a Commission recommendation to the LPA. He wants there to be no question as to who it is coming from. Commissioner Coward stated that we want to make this inclusive of the whole community and not just one area. This is what we asked staff to do, and this is what they are trying to do. Commissioner Gayton stated that he is only asking to amend the resolution. If the amended resolution does pass, along with the Exhibit that we would send to the LPA we should also let them know what we think about it. Commissioner Coward suggested that they discuss this again at another meeting, or even have a special meeting to discuss it further in order to be sure of what we want to send.

Mr. Silverboard stated that he believes what Commissioner Gayton is recommending is not to change the resolution, but to change the title of the resolution. The off-street parking regulations are not the whole problem – it is off-street parking in general. Those regulations are not in just one area of the code. That is why the resolution, rather than naming each specific article or section number, refers to Exhibit 1, which contains all of the different recommendations. The second aspect is, when the LPA starts going through this and taking public input, there may be other changes that are recommended that they will bring back to the City Commission. That is why there is a statement in there that will allow them to do that. They should be free to make that recommendation as part of the review of the parking regulations. He hesitates in getting too specific because it can be interpreted that they are only authorized to look at those particular items, and there may be other things related to parking that they may want to address. Commissioner Gayton stated that he agrees, and thinks they should look at the entire Chapter 68. His problem was that they just got the resolution in their packet, and he wanted to make it clear what was in it. He doesn't want them to look at just off-street parking. He is just spelling out what is in Exhibit 1. They can look at anything else they want to, and he encourages them to do that. Mr. Silverboard stated that there should be an understanding that in addition to the new title the rest of the body and Exhibit 1 stays in there.

Commissioner Bildz stated that he agrees with the City Manager, and thinks they should look at parking lots in the RM zone and no parking in the CG zone unless it is associated with a business.

Mr. Silverboard stated that the minutes would be included in the information that goes to the LPA so that they will know the objections that the Commission had. Commissioner Gayton stated that he wanted a consensus on each item. Commissioner Coward stated that what concerns her is that they are sending this for recommendation, but then are putting restrictions on them. Commissioner Gayton stated that they are not putting on restrictions, but letting the LPA know that these are the recommendations of the staff.

Don Cummings stated that he has lived and worked on Treasure Island for over 25 years. This is the first time he has come to address the Commission. Since 1985 parking has been a major issue. We don't have adequate parking on this island. Beach renourishment funds are hinged on beach access to the general public. We don't have enough parking for the public. They are going to park on the streets or wherever they can find it. We need adequate parking. The ordinances for parking have been changed but are still not up to snuff. We need parking for the businesses. He recommends that they change the parking ordinances. He urged them to consider this immediately.

Andrew Becker stated that back in June they had 100 petitioners sign a petition that he brought to Mr. Schwartz regarding the parking at 8701 West Gulf Blvd. It is an illegal parking lot. Why is that not shut down? Ms. Kiefer stated that the city has been sued, and that is one of the allegations in the lawsuit, so she is not going to respond to that question. She then advised the Commission not to respond to questions as well, due to the ongoing lawsuit. Mr. Becker stated that he and his wife met with Mayor Minning regarding the situation. He asked why the residents have to put up with this when the Mayor stated that he wouldn't bring his daughters to Caddy's on the weekends. He doesn't understand why this is not addressed.

Ray Green requested that the Commission use logic in addressing this. A statement was made by Caddy's that they have not added to their business. They have added parking lots, which brings more cars to Sunset Beach. Limiting cars to Sunset Beach will reduce the crowds at Sunset Beach. He wants to see access to parking limited in the RM 15 zone.

Mary Daughtry stated that they have existed on Sunset Beach for many years with three popular bars. There have been no parking issues until the past two years. They have been coming here and asking for assistance in a polite manner. They want their residential neighborhood protected. If this were in another area of the city the neighbors would be asking for the same thing. She asked that they not put parking lots in a residential area.

Attorney Battaglia stated that this has been an ongoing problem for a number of years. The Commission was presented with a map of the Sunset Beach area. He pointed out areas that permit parking. The problem is they don't conform to the current parking ordinance. The ordinance is already there. The business has chosen not to conform, and the city has chosen not to enforce it. The residents would have no objection to Caddy's conforming to the current ordinance. He commented on several areas where there are non-conforming uses of parking areas. There is a lawsuit pending, but there is no reason why it should be. There is adequate area for Caddy's to have parking that would conform to the ordinance if the city would enforce it. There is no reason to permit the RM15 area to have parking facilities. The size of Caddy's building should not give them selective enforcement of the parking regulations. There will be a day that there will be a disaster out there because an emergency vehicle can not get through the streets. They have been placed on notice for years, and now by the lawsuit. They must control the density and intensity of parking in that area. Caddy's has a good business there, but it needs to be operated within reason in a manner that allows the residents to enjoy their property. He and the residents are prepared to sit down and mediate this situation.

Hugh Ruckdeschel stated that he lives at Lagoon Lane, which is 13 feet wide. There is a boat ramp there that people use all the time. Parking is a nightmare there. He remembers when Sunset Beach threatened to pull out of Treasure Island. We have spent millions of dollars on Sunset Beach. They have parks. Sunshine Beach doesn't have a park, or parking. He is curious why the Commission is allowing an attorney try to bargain when he has a law suit. He asked Mr. Battaglia why he has not charged the entire Commission in his law suit. We have a \$1,000,000 case that they just lost. The Commission, and not anyone else, is in control of what goes on. They have a responsibility to instruct the people that they hire what to do. He asked for parking on his end. They will not be able to make Treasure Island a paradise. They have to get to

the point where if they want to sit down you don't throw a law suit at each other. He doesn't know how they will convince a judge that the people that are charged by Mr. Battaglia are not the ones to blame. He doesn't know what they will do with parking. It is a public beach that uses federal funds. He asked them to check on the parking in his area. It is not just there, it is the whole beach. He suggested that they build a parking garage.

Jeff Warner stated that what they need to get back to is what is best for the citizens. He asked that they pull back from referring this to the LPA and look at what is best for the citizens.

Don Cummings stated that he has sympathy for the Commission for what they have to deal with. They have a responsibility to run the island, and he believes that they look at what is good for the entire island and not just some residents.

Commissioner Gayton stated that he wasn't aware that they would be looking at only RM15. He wants his opinion known. The Comprehensive Plan needs to be in affect here. He asked that the Commissioners take a look at the future land map. We are not just talking about Sunset Beach in that area. Half of the Isle of Palms is in the RM15 district. Most of Sunshine Beach is in an RM15 district. There is no one in the RM15 district on the Isle of Palms that wants parking next to their homes. Contrary to what we heard tonight, when we had parking lots at Sunshine Beach that were being used for the casino boats we had police there at all hours. These are residential pieces of property that we are talking about putting parking lots next to. 80% of our residential neighborhoods are in the RM15 area. It doesn't conform to our Comprehensive Plan to have parking lots in those areas. He then read an excerpt from the plan. Our Comprehensive Plan is not something antiquated that we have to change. The people that he represents are overwhelmingly not in favor of having parking next to their homes. Commissioner Bildz agreed with Commissioner Gayton. Commissioner Collins stated that he is opposed to any kind of commercial parking in the RM15 area. Commissioner Coward stated that she didn't think any of them were in favor of building a parking lot in a residential area. She knows about what Mr. Ruckdeschel is talking about because she lived there. She feels that they have to go one step further and figure out how they are going to solve the problem for the entire island. We can't say that we don't want people parking here. We have to take it one step further and decide how we are going to solve the problem. Commissioner Collins stated that Treasure Island is only so big. We have to deal with what we've got. We have certain district where you can and can't park. A parking garage isn't a bad thought, but now we will have a lot more people coming in and the overflow will end up in the neighborhoods. We cannot accommodate the vehicles that the parking garage will bring in. He doesn't feel that a parking garage will solve the problem. Commissioner Coward then asked what the solution is. Commissioner Gayton stated that we still have RFM30 and RFH30, and CG. If you want parking lots or parking garages then put them in those areas. They don't belong in residential neighborhoods. Commissioner Bildz stated that he agreed with Commissioner Gayton. Sunset Beach is a lot like Sunshine Beach, and you are never going to solve all the parking problems. Parking lots do not belong in residential areas. Commissioner Gayton stated that we have experience with turning vacant residential properties into parking lots. It wasn't in the regulations, but through an administrative decision someone decided to allow two year temporary parking lots that were not

contiguous to the business. When the casino boats unloaded it was chaos. We should keep those parking lots out of the residential areas.

Mayor Minning asked for a consensus regarding sending this to the LPA. Ms. Kiefer stated that there is a motion on the table regarding Commissioner Gayton's amendment. She suggested that they act on the motion, and then proceed with a motion to send the item to the LPA. Mayor Minning explained that he wanted a consensus in the minutes that would be forwarded to the LPA that would reflect the consensus of the Commission. He stated that he would like to see this move forward. The LPA has planned a special workshop on this item on March 10th. The citizens have expressed considerable concern about parking in the RM15 neighborhoods. We need to be cognizant of what we are doing and what affect it will have city wide.

Commissioner Gayton stated that he wants the LPA to know the opinion of the Commission. There are commissioners that object strenuously to parking in this area and he wants the LPA to know that. He also wants them to know whether the Commission agrees with the recommendations of the City Planner or not. Do you want to leave Commercial General wide open? He would like to vote on the resolution. They are having a special workshop on March 10th, and he thinks that their feelings should be known. Commissioner Coward stated that they shouldn't rush through this. Mr. Silverboard stated that the special meeting can be cancelled, and he thinks that there should be more discussion. Part of the discussion has been that we are going to have parking lots in the RM15 district, and that is not the case. The recommendation is that it be allowed as a special exception in some areas, where it must meet certain regulations. There have been discussions about the need to change the zoning districts to recognize that the RM15 area that exists in Sunshine Beach is different than the ones that exist in other areas of the city. Maybe the zoning districts need to be looked at. He thinks that we have a Planning and Zoning Board and an LPA, and part of their job is to get into the details of it and make a recommendation to the City Commission. It is then up to the City Commission to accept their recommendations, or modify them. It would be appropriate to have another workshop, which can be done at the next meeting. Otherwise, the process is for the LPA to try to sort it out and to make recommendations for the Commission to consider.

Commissioner Gayton stated that the way they have always done this is for the City Commission to discuss the changes that they want, agree on them, and send them to the LPA. The City Planner can make recommendations to the LPA and has done so in the past. His concern is that she is doing that now, and it appears that the Commission is the one making the recommendation. He doesn't think that the LPA should meet and not know that most of the Commission is not in favor of the recommendation. Mr. Silverboard explained that there are many details that you don't discuss at the City Commission level. It is normally done at the Planning Board level and then it is discussed later at the Commission level.

Commissioner Coward stated that if this is how it has been done in the past and we are in this mess now, perhaps we haven't done it right in the past, and maybe we should do it differently. Commissioner Gayton stated that it is their responsibility to identify what we want changed. It is not the City Planner's responsibility. Commissioner Coward stated that the City Planner did what we asked her to do. Maybe we haven't given this the time that it deserves.

Mr. Silverboard explained how the code gets amended. The City Commission can amend it on its own recommendation, the Planning Board can make recommendation, or 51% of the property owners can request a change. Commissioner Gayton stated that he understands the process, but once we pass a resolution it should be their recommendations. The City Planner can make any recommendations that she wants, but once she brings it to us, it becomes their recommendations. He wants it clear that staff is recommending the items in Exhibit 1, but 3/5ths of the Commission is opposed.

Mayor Minning stated that we can vote to send the issue to the LPA with the resolution as amended, or table this for further discussion. Commissioner Bildz suggested that the LPA could hold their special workshop and make their recommendations to the Commission. Mayor Minning stated that if they are going to hold a meeting they should have guidance from the Commission. Commissioner Coward asked if the RM15 is the only issue that will be discussed. Mayor Minning stated that it is the entire issue.

Commissioner Bildz suggested that they pass Commissioner Gayton's amended resolution including their reservations. Commissioner Collins agreed with Commissioner Bildz. Commissioner's Gayton and Coward are also in agreement. Mayor Minning stated that they would vote on the resolution as amended. Ms. Kiefer stated that they have a motion on the table to amend the title. That needs to be voted on. Then someone else will have to make a motion to pass the amended resolution.

It was moved by Commissioner Collins to approve the resolution as amended. There being no second to the motion the resolution dies on the table.

Mayor Minning asked if there was a desire for further discussion. Commissioner Coward answered in the affirmative. Commissioner Bildz stated that the LPA could meet and come back with a recommendation for the Commission to consider. Mayor Minning stated that it isn't just the staff report, but the Commission's recommendations that were to be considered, so he suggests that the LPA cancel until such time there is a recommendation from the Commission. Commissioner Gayton agreed with Mayor Minning. It was agreed to hold a special meeting at 6:00 p.m. on March 10th.

Upon roll call the vote to approve was unanimous.

5. Consideration of Res. 10-14, Parking Pay Station Rates

It was moved by Commissioner Bildz and seconded by Commissioner Collins to approve the resolution as read.

Commissioner Coward stated that she feels that \$1.50 is too much and will make our parking problems worse. It should stay at \$1.00.

Commissioner Bildz stated that he thinks that \$1.50 per hour with a \$6.00 per day maximum is a good compromise.

Commissioner Gayton stated that he agrees with Commissioner Coward.

Upon roll call the vote to approve was 4-1 with Commissioner Coward being the dissenting vote.

6. Consideration of Res. 10-15, Supplemental Budget Appropriation, Forfeiture Fund

It was moved by Commissioner Bildz and seconded by Commissioner Collins to approve the resolution as read.

Commissioner Bildz commented that this was for the video cameras.

Upon roll call the vote to approve was unanimous.

7. Consideration of Res. 10-13, Amendment of Res. 09-89, Charter Review Committee

It was moved by Commissioner Collins and seconded by Commissioner Coward to approve the resolution as read.

Commissioner Bildz stated that he is not in agreement on this. They discussed this at length. The City Attorney asked for a committee of five members and the Commission agreed on a committee of seven. We asked for volunteers for months. He feels that they should leave it as is.

Commissioner Collins stated that the applicants would not be detrimental to the committee. Commissioner Bildz stated that there was an additional applicant at the time, and she was made an alternate member.

Hugh Ruckdeschel stated that he received a letter stating that he was to be here today for a meeting. He received a call on Friday informing him that the meeting was cancelled and that they were going to vote on additional members. He suggested that if the five Commissioners could handle the city, the seven committee members could handle the charter. He doesn't understand why they can work so hard to make a decision, and then back up and change their minds. Seven people are fine. He thinks that they should put on the next workshop to reopen the election. Some of them have never been on a ballot. He has recommendations of people who will run for Commission seats. This is the second time that the citizens have not had an election. Twice the right to vote has been taken away. He doesn't feel that it should be amended. They don't need two more to dilute it. Five people are sufficient. Leave the committee as it is and let them do their work.

Dominique Reiter stated that she is one of the seven people to be chosen for the committee. She agrees with much of what Mr. Ruckdeschel said, but she feels that not enough people are notified of what is going on. She feels that the Charter Review Committee can accommodate ten people and feels that they should be allowed to serve.

Mr. Ruckdeschel stated that it should be cut down to five, not increased to ten.

Upon roll call the vote to approve was 4-1 with Commissioner Bildz being the dissenting vote.

8. Consideration of Res. 10-18, Appointing Additional Charter Review Committee Members

It was moved by Commissioner Collins and seconded by Commissioner Coward to approve the resolution as read.

Upon roll call the vote to approve was 4-1 with Commissioner Bildz being the dissenting vote.

Mr. Ruckdeschel stated that he was tendering his resignation from the committee.

F. ADJOURNMENT

The meeting was adjourned at 7:46 p.m. by Mayor Minning.